

Presentment Date: September 6, 2022

Objection Deadline: September 5, 2022 at 4:00 p.m. (AST)

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et
al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**This filing relates to the
Commonwealth, HTA, and ERS.**

**NOTICE OF PRESENTMENT OF PROPOSED ORDER GRANTING THE THREE
HUNDRED FORTY-FIFTH OMNIBUS OBJECTION (SUBSTANTIVE) OF THE
COMMONWEALTH OF PUERTO RICO, THE PUERTO RICO HIGHWAYS AND
TRANSPORTATION AUTHORITY, AND THE EMPLOYEES RETIREMENT SYSTEM
OF THE GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO TO
MISCLASSIFIED CLAIMS (ECF NO. 17108)**

PLEASE TAKE NOTICE that, on August 29, 2022, the Commonwealth of Puerto Rico (the “Commonwealth”), the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), and the Puerto Rico Highways and Transportation Authority (“HTA,” and together with the Commonwealth and ERS, the “Debtors”), by and through

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Debtors pursuant to Section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² hereby submit this *Notice of Presentment of Proposed Order Granting the Three Hundred Forty-Fifth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico to Misclassified Claims* (this “Notice”).

PLEASE TAKE FURTHER NOTICE that, on June 18, 2021, the Debtors, by and through the Oversight Board, filed the *Three Hundred Forty-Fifth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico to Misclassified Claims* [ECF No. 17108] (the “Three Hundred Forty-Fifth Omnibus Objection”) to the proofs of claim listed on Exhibit A thereto.

PLEASE TAKE FURTHER NOTICE that the Three Hundred Forty-Fifth Omnibus Objection was initially scheduled for hearing on August 4, 2021, and was subsequently adjourned, pursuant to notices, to the January Claim Objection Hearing and the March Omnibus Hearing (each as defined below).

PLEASE TAKE FURTHER NOTICE that any party against whom the Three Hundred Forty-Fifth Omnibus Objection was served, or any other party to the Debtors’ Title III cases who objected to the relief sought therein, was required to file and serve a response to the Three Hundred Forty-Fifth Omnibus Objection with the clerk’s office of the United States District Court for the District of Puerto Rico (the “Court”) by 4:00 p.m. (Atlantic Standard Time) on July 19, 2021 (the “Response Deadline”).

PLEASE TAKE FURTHER NOTICE that, as set forth in Exhibit C to the Three Hundred Forty-Fifth Omnibus Objection, if no responses were filed by the Response Deadline, the

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

Three Hundred Forty-Fifth Omnibus Objection “will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise.” Ex. C to Three Hundred Forty-Fifth Omnibus Objection, [ECF No. 17108-4, at 2].

PLEASE TAKE FURTHER NOTICE that, on December 8, 2021, this Court entered the *Order Regarding Adjourned Omnibus Objections to Claims* [ECF No. 19461] (the “Order Regarding Adjourned Omnibus Objections”), scheduling hearings on January 19-20, 2022, at 9:30 a.m. (Atlantic Standard Time) (the “January Claim Objection Hearing”), and February 16-17, 2022, at 9:30 a.m. (Atlantic Standard Time) (the “February Claim Objection Hearing,” and together with the January Claim Objection Hearing, the “Claim Objection Hearings”), to consider, *inter alia*, the Three Hundred Forty-Fifth Omnibus Objection. Order Regarding Adjourned Omnibus Objections at 1.

PLEASE TAKE FURTHER NOTICE that, as of the filing of this Notice, the Claimants associated with Proofs of Claim Nos. 3398, 6725, 9778, 12312, 12337, 15520, 20600, 23016, 24315, 25360, 54541, 106293, 121773, 122933, 129809, and 139753, listed on Exhibit A hereto have responded to the Three Hundred Forty-Fifth Omnibus Objection (the “Claims to Be Heard”) on or before the Response Deadline via either (i) ECF filing, (ii) mailing to Kroll Restructuring Administration, LLC (formerly known as Prime Clerk, LLC), (iii) mailing to counsel for the Oversight Board, or (iv) mailing to counsel for the Official Committee of Unsecured Creditors of the Commonwealth of Puerto Rico and forwarded to counsel for the Oversight Board.

PLEASE TAKE FURTHER NOTICE that, at the January Claim Objection Hearing and the March 23, 2022 Omnibus Hearing (the “March Omnibus Hearing”), the Debtors prosecuted,

and the Court sustained, the Three Hundred Forty-Fifth Omnibus Objection as to the Claims to Be Heard.

PLEASE TAKE FURTHER NOTICE that, with the exception of the Claims to Be Heard, as of the Response Deadline, the Claimants associated with all other claims listed on **Exhibit A** hereto failed to respond to or otherwise oppose the Three Hundred Forty-Fifth Omnibus Objection (the “Claims to Be Reclassified via Notice of Presentment”).

PLEASE TAKE FURTHER NOTICE that attached hereto as **Exhibit B** is a proposed order (the “Proposed Order”) reclassifying (1) the Claims to Be Heard and (2) the Claims to Be Reclassified via Notice of Presentment.

PLEASE TAKE FURTHER NOTICE that, pursuant to Paragraph III.H of the Court’s *Sixteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 20190-1], “the presentment of a proposed order for administrative relief must be filed and served at least seven (7) calendar days before the presentment date, and Objections thereto must be filed and served at least one (1) calendar day before the presentment date,” and accordingly, unless a written objection to the Proposed Order is filed with the Court no later than **4:00 p.m. (Atlantic Standard Time) on September 5, 2022**, the relief requested shall be deemed unopposed, and the Proposed Order may be entered without a further hearing.

PLEASE TAKE FURTHER NOTICE that copies of all documents filed in these Title III cases are available (a) free of charge by visiting <https://cases.ra.kroll.com/puertorico> or by calling +1 (844) 822-9231, and (b) on the Court’s website at <http://www.prd.uscourts.gov>, subject to the procedures and fees set forth therein.

Dated: August 29, 2022
San Juan, Puerto Rico

Respectfully submitted,

/s/ Brian S. Rosen

Martin J. Bienenstock
Brian S. Rosen
(Admitted *Pro Hac Vice*)
PROSKAUER ROSE LLP
Eleven Times Square
New York, NY 10036
Tel: (212) 969-3000
Fax: (212) 969-2900
Email: mbienenstock@proskauer.com
brosen@proskauer.com

Attorneys for the Financial Oversight and Management Board for Puerto Rico, as representative for the Commonwealth of Puerto Rico, the Puerto Rico Highways and Transportation Authority, and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico

/s/ Hermann D. Bauer

Hermann D. Bauer
USDC No. 215205
Carla García Benítez
USDC No. 203708
O'NEILL & BORGES LLC
250 Muñoz Rivera Ave., Suite 800
San Juan, PR 00918-1813
Tel: (787) 764-8181
Fax: (787) 753-8944
Email: Hermann.bauer@oneillborges.com

Co-Attorneys for the Financial Oversight and Management Board for Puerto Rico, as representative for the Commonwealth of Puerto Rico, the Puerto Rico Highways and Transportation Authority, and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico